

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

ROBERT L. APTER, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES, *et al.*,

Defendants.

Case No. 3:22-cv-184

JUDGE JEFFREY V. BROWN

**Defendants' Unopposed Motion for an Extension of Time to File Their Reply  
in Support of Their Motion to Dismiss**

Defendants respectfully request that the Court extend the deadline for their reply in support of their motion to dismiss from October 7, 2022, to October 21, 2022. Defendants conferred with Plaintiffs, and Plaintiffs stated that they do not oppose this request.

On August 19, 2022, the Court granted the parties' Joint Unopposed Motion for a Briefing Schedule for Defendants' Motion to Dismiss. ECF No. 24. Pursuant to the schedule set by the Court, Defendants filed their motion to dismiss on August 26, 2022, ECF No. 25, and Plaintiffs filed their opposition to Defendants'

motion to dismiss on September 23, 2022, ECF No. 27. Defendants' reply in support of their motion to dismiss is currently due October 7, 2022.<sup>1</sup>

On September 29, 2022, the Association of American Physicians and Surgeons ("AAPS") filed an unopposed motion for leave to file an amicus brief in support of Plaintiffs and in opposition to Defendants' motion to dismiss, along with its proposed amicus brief. ECF Nos. 29, 29-1. On September 30, 2022, the Court granted AAPS leave to file its amicus brief. ECF No. 30. Defendants have been informed that another third party also intends to seek leave to file an amicus brief in support of Plaintiffs and in opposition to Defendants' motion to dismiss by October 7, 2022.

To provide Defendants adequate time to prepare a reply that responds to Plaintiffs' opposition, AAPS's amicus brief, and the additional amicus brief that is expected to be filed by October 7, 2022, Defendants respectfully request that the Court extend the deadline for their reply to October 21, 2022.<sup>2</sup>

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<sup>1</sup> At the initial conference on September 14, 2022, the Court stayed discovery until it issues a ruling on Defendants' motion to dismiss.

<sup>2</sup> Defendants reserve the right to seek leave to file a reply exceeding 15 pages after reviewing both amicus briefs. Plaintiffs have agreed not to object to a motion for leave to file a reply of 20 pages. If Defendants determine, after reviewing both amicus briefs, that more than 20 pages are required to adequately respond to Plaintiffs' opposition and both amicus briefs, they will confer with Plaintiffs about a request for additional pages for the reply.

September 30, 2022

Respectfully submitted,

/s/ Isaac C. Belfer

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### **CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the CM/ECF system, will be sent via electronic mail to the registered participants as identified on the Notice of Electronic Filing.

September 30, 2022

/s/ Isaac C. Belfer  
Isaac C. Belfer